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February 14, 2008

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The Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 F Street, S.W.  
Washington, DC 20423

Re. Finance Docket No. 35081, *Canadian Pacific Railway Company, et al --  
Control -- Dakota, Minnesota & Eastern Railroad Corp., et al*

Dear Secretary Quinlan:

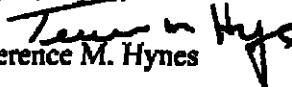
This letter has reference to the Emergency Motion of Applicants for Issuance of a Protective Order (CPR-10 DME-10) filed today by Applicants in the above-captioned proceeding. On page 3 of the Motion (in footnote 2), Applicants indicated that KCS originally noticed the depositions of Mr. Foot and Ms. McQuade for Washington, D.C. and that KCS subsequently served "revised" deposition notices setting those depositions for CPR's offices in Calgary, Alberta. That statement was in error. Upon more careful inspection of the notices that were forwarded by CPR to the undersigned counsel on February 13, we have determined that those notices were duplicate copies of the notices originally issued by KCS on February 11, and that those notices did, in fact, propose Washington, DC, as the location for the depositions of Mr. Foot and Ms. McQuade.

Accordingly, footnote 2 on page 3 of the Motion should be disregarded, and the final sentence of the first paragraph on page 3 should be corrected to read as follows:

"Moreover, ignoring the Board's regulation stating that "[u]nless otherwise ordered or agreed to by stipulation, depositions should be taken in the city or municipality where the deponent is located" (49 C.F.R. § 1114.23(a)), KCS proposes to require the prospective deponents to travel (on short notice) from Calgary, Alberta, Sioux Falls, South Dakota and Palo Alto, California to Washington, D.C. for their depositions."

Applicants apologize for this inadvertent error, which resulted from counsel's haste in preparing the motion.

Sincerely,

  
Terence M. Hynes

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